

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

PERRY JACKSON, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. 2:15-CV-151
§
P. CHANG, *et al*, §
§
Defendants. §

MEMORANDUM AND RECOMMENDATION

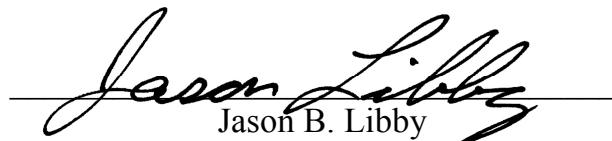
Plaintiff Perry Jackson filed this prisoner civil rights action pursuant to 42 U.S.C. § 1983 on March 30, 2015, asserting Defendants have failed to provide him with adequate medical care.¹ Plaintiff lists his address as the Southeast Texas Transitional Center in Houston, TX. (D.E. 1). A Notice of Deficient Pleading was sent to Plaintiff on March 31, 2015, directing Plaintiff to pay the required filing fee or to submit an application to proceed *in forma pauperis* (“IFP”) along with a certified copy of his trust fund account statement no later than April 30, 2015. (D.E. 5). However, this Notice was returned as undeliverable and a search of the Texas Department of Criminal Justice website does not list anyone by the name of Perry Jackson as currently in custody. (D.E. 6). Plaintiff has failed to pursue this action by paying the required filing fee or by

¹ Plaintiff asserted the same allegation in a previous §1983 action with this Court, which he voluntarily dismissed on October 20, 2014 because he did not wish to pay the filing fee. Case No. 2:14-cv-402 (D.E. 7 and D.E. 8). An Order Vacating the Collection Order was entered on October 21, 2014. (D.E. 9). At that time, Plaintiff was incarcerated at the Garza East Unit in Beeville, TX. (D.E. 1).

submitting an IFP application.² Further, Plaintiff has failed to update his current contact information.

Therefore, it is respectfully recommended that Plaintiff's case be **DISMISSED**. Fed. R. Civ. P. 41(b); *see also Martinez v. Johnson*, 104 F.3d 769, 772 (5th Cir. 1997)(holding district courts have the power to *sua sponte* dismiss a cause of action for failure to prosecute).

ORDERED this 18th day of May, 2015.



Jason B. Libby
United States Magistrate Judge

² In his previous action, Plaintiff submitted an IFP application and trust fund account statement concurrently with his complaint. Case No. 2:14-cv-402 (D.E. 1, D.E. 2, and D.E. 3).

NOTICE TO PARTIES

The Clerk will file this Memorandum and Recommendation and transmit a copy to each party or counsel. Within **FOURTEEN (14) DAYS** after being served with a copy of the Memorandum and Recommendation, a party may file with the Clerk and serve on the United States Magistrate Judge and all parties, written objections, pursuant to 28 U.S.C. § 636(b)(1)(c); Rule 72(b) of the Federal Rules of Civil Procedure; and Article IV, General Order No. 2002-13, United States District Court for the Southern District of Texas.

A party's failure to file written objections to the proposed findings, conclusions, and recommendations in a Magistrate Judge's report and recommendation within **FOURTEEN (14) DAYS** after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the District Court. *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996)(en banc).